HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 26824 of 2007

17.12.2007

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Between:

Habeeb Hussain

… Petitioner

AND

Greater Hyderabad Municipal Corporation,
Rep.by its Commissioner, Hyderabad
& others

… Respondents

Counsel for the petitioner : Sri Mohd. Zia-Ul-Haque

Counsel for the respondents : Sri Srinivasulu for
Smt. Kalpana Ekbote

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not initiating proceedings under the Land Acquisition Act, 1894 before dispossessing the petitioner from premises bearing No. 6-3-697/4 and 6-3-697/A/1 situated at Panjagutta, Hyderabad as illegal and unconstitutional.

The grievance of the petitioner as projected in the affidavit filed in support of the writ petition and during the hearing by his counsel is that in pursuance of notice dated 12.11.2007 issued on behalf of respondent No.1, whereunder the petitioner was called upon to give his consent for giving away a part of the abovementioned premises for taking up road widening work from Lakdi-ka-pool to Erragadda via Khairatabad, Panjagutta, Ameerpet, S.R.Nagar, the respondents are

seeking to dispossess him without following the due process of law. The case of the petitioner is that he is not willing to surrender the property without there being any proceedings initiated under the provisions of Section 147 of the Hyderabad Municipal Corporations Act, 1955 (for short, 'the Act').

The learned counsel representing the Standing Counsel for Greater Hyderabad Municipal Corporation says that if the petitioner is not willing to surrender voluntarily the above-mentioned property, the Corporation will initiate appropriate proceedings under law for acquiring the same.

In view of the statement of the learned counsel for the respondents, the writ petition is disposed of. It is made clear that the respondents shall not dispossess the petitioner without invoking the provisions of Section 147 of the Act.

As a sequel to disposal of the writ petition, W.P.M.P.No. 35007 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

17.12.2007

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